

1 LAW OFFICES OF JEREMY PASTERNAK
2 Jeremy Pasternak (SBN: 181618)
3 jdp@pasternaklaw.com
4 445 Bush Street, 6th Floor
5 San Francisco, California 94108
6 Telephone: (415) 693-0300
7 Facsimile: (415) 693-0393

5 Attorneys for Plaintiff
MICHEL MERRILL

SEYFARTH SHAW LLP

7 Joel H. Kaplan (IL State Atty No. 1694) (*Pro hac vice*)

jkaplan@seyfarth.com

8 | Cassandra H. Carroll (SBN: 209123)

ccarroll@seyfarth.com

9 | 560 Mission Street, Suite 3100

San Francisco, California 94105

Telephone: (415) 397-2823

Facsimile: (415) 397-8549

Attorneys for Defendants

12 KIEWIT PACIFIC COMPANY and ALLAN KIRKWOOD

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

15 MICHEL MERRILL,) Case No. C-05-04460 MEJ

16 Plaintiff,

) Case No. C-05-04460 MEJ

11. *What is the best way to increase the number of people who use a particular service?*

) **STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MOTION
REMAND HEARING**

17 |

18 KIEWIT PACIFIC COMPANY, INC., a
19 Delaware Corporation; ALLAN KIRKWOOD,
an individual; and Does 1 - 50,

20 | Defendant.

23 Plaintiff MICHEL MERRILL (“Plaintiff”) and Defendants KIEWIT PACIFIC CO. and
24 ALLAN KIRKWOOD (“Defendants”), by and through their counsel of record, hereby agree and
25 stipulate that Plaintiff’s Motion to Remand Action to State Superior Court, currently scheduled
26 for January 19, 2006, be continued to February 9, 2006. Plaintiff and Defendants also hereby
27 agree and stipulate Defendants will file and serve their Opposition to said Motion on or before

1 January 12, 2006 and Plaintiff will serve and file any Reply in support of said Motion on or
2 before January 26, 2006.

3 The parties make this joint request for a continuance of Plaintiff's Motion to Remand
4 Action to State Superior Court on the belief that good cause exists for doing so because
5 Defendants' counsel of record is not available on January 19, 2006, to attend the hearing, due to
6 previously scheduled commitments.

7 For these reasons, the parties have stipulated to a continuance of the January 19, 2006
8 Motion to Remand Action to State Superior Court.

9 Accordingly, the parties respectfully request the Court set the Motion to Remand Action
10 to State Superior Court, currently scheduled for January 19, 2006, to be continued to February 9,
11 2006.

12 DATED: December 12, 2005

LAW OFFICES OF JEREMY
PASTERNAK

14 By _____ s/s
15 Jeremy Pasternak

16 Attorneys for Plaintiff
17 MICHEL MERRILL

18 DATED: December 12, 2005

SEYFARTH SHAW LLP

19 By _____ s/s
20 Joel H. Kaplan
21 Cassandra H. Carroll

22 Attorneys for Defendants
23 KIEWIT PACIFIC CO. and
24 ALLAN KIRKWOOD

25 IT IS SO ORDERED.

ORDER

26 Dated: December 13, 2005

27 SF1 28225986.1 / 20275-000078

28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING / 05-04460 MEJ

